

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN**

In re:

Laura Jane Tindall

Debtor
_____ /

Chapter 7

Case No. 10-04257

Honorable Jeffrey R. Hughes

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES Movant, GMAC Mortgage, LLC, by and through its attorneys, Orleans Associates, P.C., and shows unto this Honorable Court as follows:

1. That Movant is the holder of a mortgage on real property owned by the debtor and located at 5676 Verta Drive, Belmont, MI 49306. (The following documents are attached: Mortgage and Assignment).
2. That the debtor filed Chapter 7 bankruptcy on March 31, 2010.
3. That pursuant to 11 U.S.C. § 362 (d)(1), upon request of a party in interest, the court shall grant relief from stay for cause, including lack of adequate protection of an interest in property of such party in interest.
4. That as of today's date said mortgage loan is delinquent and owing for April 1, 2010.
5. That the market value of the property pursuant to Debtor's Schedule D is approximately \$62,000.00.
6. The principle balance owing to Movant is approximately \$51,072.62, plus reasonable attorney fees.
7. That GMAC Mortgage has an additional lien on the property in the approximate amount of \$30,605.00.
8. That Charter Township of Plainfield has an additional lien on the property in the approximate amount of \$1,334.00.
9. That the total debt owing on the property in the approximate amount of \$83,011.62.

10. That the debtor has no equity in the subject property as the total debt exceeds the market value of the property.
11. That the debtor's account delinquency and lack of equity in the property constitute cause for relief from the automatic stay.
12. That GMAC Mortgage and Charter Township of Plainfield may have an interest in the property located at 5676 Verta Drive, Belmont, MI 49306 to the knowledge and belief of Movant.
13. That pursuant to Local Bankruptcy rule 9013(c)1(B) attached is a copy of the proposed Order Granting Relief from the Automatic Stay labeled as Exhibit "A".
14. That Movant request the entry of the order granting relief from the automatic stay shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(3)

WHEREFORE, Movant respectfully requests that this Court enter an Order Granting Relief from the Automatic Stay pursuant to 11 USC § 362(d) so that it, and its successors and assigns may exercise its rights to pursue its state court remedies with respect to its interest in the subject property, and the entry of the order shall be effective immediately upon entry, notwithstanding the provisions of FRBP 4001(a)(3), and whatever other relief the Court deems just and equitable.

Date: June 16, 2010

Respectfully Submitted,

By: /s/Ryan M. Moldovan
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